

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 142A.4(10), the Tobacco Use Prevention and Control Commission hereby gives Notice of Intended Action to amend Chapter 151, “Tobacco Use Prevention and Control Community Partnership Initiative,” Iowa Administrative Code.

The rules in Chapter 151 apply to community partnerships established as part of a comprehensive tobacco use prevention and control initiative to reduce tobacco use by youth and pregnant women, to promote compliance by minors and retailers with tobacco sales laws and ordinances, to enhance the capacity of youth to make healthy choices, and to foster a social and legal climate in which tobacco use becomes undesirable and unacceptable.

These proposed amendments affect community partnerships funded by state tobacco appropriations. The changes ensure equitable funding and tobacco control services for all Iowa counties, regardless of population. The changes also impact future applicants for funding by ensuring fairness and reducing barriers to competition. The changes would be implemented beginning in FY15 for all partnerships that apply for tobacco funding.

Any interested person may make written comments or suggestions on the proposed amendments on or before September 10, 2013. Such written comments should be directed to Sheri Stursma, Division of Tobacco Use Prevention and Control, Department of Public Health, 321 East 12th Street, Des Moines, Iowa 50319. E-mail may be sent to Sheri.Stursma@idph.iowa.gov.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 142A.8 and 142A.10.

The following amendments are proposed.

ITEM 1. Rescind subrules **151.4(8)** to **151.4(10)**.

ITEM 2. Renumber subrules **151.4(4)** to **151.4(7)** as **151.4(5)** to **151.4(8)**.

ITEM 3. Adopt the following new subrule 151.4(4):

151.4(4) A description of the community outreach and educational programming services currently provided by the applicant;

ITEM 4. Renumber subrules **151.4(11)** to **151.4(14)** as **151.4(9)** to **151.4(12)**.

ITEM 5. Amend renumbered subrule 151.4(9) as follows:

151.4(9) An assessment of the needs of the community partnership area which incorporates, but is not limited to, the following information for each county in the community partnership area:

a. Tobacco-related information from the community health needs assessment and health improvement plan (CHNA and HIP, Healthy Iowans);

b. to e. No change.

~~*f.* Tobacco-related information from Healthy Iowans 2010;~~

ITEM 6. Amend rule 641—151.6(142A), introductory paragraph, as follows:

641—151.6(142A) Application deadline. ~~Applicants~~ An applicant seeking to be approved as a community partnership for distribution of funds during the ~~2004~~ current fiscal year may apply ~~immediately and must apply no later than November 10, 2000~~ once the RFA/RFP has been posted.

ITEM 7. Rescind and reserve subrule **151.6(1)**.

ITEM 8. Renumber subrules **151.7(2)** to **151.7(5)** as **151.7(3)** to **151.7(6)**.

ITEM 9. Adopt the following new subrule 151.7(2):

151.7(2) The department in consultation with the commission shall allocate funding to the community partnerships from the total moneys appropriated to the tobacco use prevention and control initiative. If sufficient funds are available, the department shall distribute the funding allocated to the community partnerships in accordance with this rule.

ITEM 10. Amend renumbered subrule 151.7(3) as follows:

151.7(3) The ~~commission~~ department shall fund one community partnership per community partnership area. Funds shall be distributed equitably among the state's community partnership areas based on general population, school-age population, and designation of county or counties which comprise the community partnership area as a rural county or ~~a metropolitan statistical area~~ an urban county as defined by the ~~U.S. Bureau of the Census~~ Office of Management and Budget. Available funds will be distributed under the following formulas, using United States Census Bureau annual population estimates:

Rural counties:

\$.84 per school-age youth plus an additional \$.84 per non-school-age county resident

~~Metropolitan statistical areas (Black Hawk, Dallas, Dubuque, Johnson, Linn, Polk, Pottawattamie, Scott, Warren, and Woodbury Counties)~~ Urban counties:

\$.52 per school-age youth plus an additional \$.52 per non-school-age county resident; provided that application of the funding formula results in distribution to a community partnership of a minimum amount per county included in each community partnership area as determined annually by the department in consultation with the commission.

If application of the funding formula would result in distribution of less than the minimum established amount, the department shall distribute to such community partnership no less than the minimum established amount per county included in the community partnership area.

As sufficient funds become available, the department in consultation with the commission may also distribute to community partnerships funds for special or pilot projects within a community partnership area.

ITEM 11. Amend renumbered subrule 151.7(4) as follows:

151.7(4) Funding received by a community partnership shall be matched on a ~~one-to-one~~ one-to-four basis. ~~At least 25 percent must be a cash match. Up to 75 percent of the~~ The match may include in-kind services, office support, or other tangible support or offset of costs.

Any offers to assist the applicant in reaching the match must be disclosed to the department in writing. In regard to any cash offers that are declined, the applicant must disclose reasons and rationale as to why these offers were declined.

~~Any funds left unallocated under subrules 151.7(2) and 151.7(3) on March 1, 2001, due to the failure of community partnerships to meet the cash match requirement pursuant to subrule 151.7(3) shall be distributed among all the community partnerships no later than June 30, 2001, in proportion to the amount of funding, including any cash match, each community partnership has reported to the department by March 15, 2001.~~

~~Funding distributed to community partnerships from the department shall be matched by the community partnership on a 75 percent basis. The match may include cash, or may include only in-kind services, office support, or other tangible support or offset of costs.~~

~~Any offers to assist the applicant in reaching the match must be disclosed to the department in writing. If any cash offers are declined, the applicant must disclose the reasons and the rationale for rejecting the offer.~~